



Attorney's Docket No. 038712/04882

PATENT

*IF*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Kwitkowski et al.

Appl No.: 10/602,586

Confirmation No.: 1642

Filed: June 24, 2003

For: FABRIC SOFTENER DRYER SHEET SUBSTRATE

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF OMITTED ITEM(S)  
IN A NONPROVISIONAL APPLICATION**

In response to the Notice Of Omitted Item(s) in a Nonprovisional Application dated July 16, 2004 (a copy of which is enclosed), we elect Option 1 as further detailed below. Applicant believes that the application documents as filed with the United States Patent and Trademark Office included a complete copy of the specification, including pages 8 and 9. In support of this belief, we submit the following:

1. Postcard Receipt. Enclosed is a copy (front and back sides) of the postcard receipt that was submitted with the application documents as filed, indicating that ten (10) pages of the specification were submitted. This postcard receipt was stamped and returned by the Patent and Trademark Office with no exceptions noted, thereby acknowledging that the USPTO received all ten pages of the application.

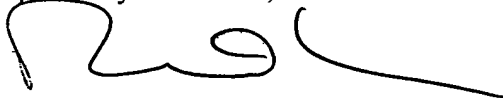
2. Applicant's file copy. Enclosed is copy of applicant's file copy of the specification as filed. Applicant's file copy is a photocopy made directly from the original application documents. After photocopying, the original application documents, including the specification, were placed in an envelope and mailed to the United States Patent and Trademark Office by the Express Mail Procedure on June 24, 2003. It will be noted that Applicant's file copy is complete, and includes pages 8 and 9. Therefore, it is evident that the original specification also included pages 8 and 9.

Applicant cannot explain the reason why pages 8 and 9 are missing, but suggests that perhaps, in view of the recent conversion to the image file wrapper process, that these pages may have been misplaced or skipped in the scanning process. In any event, Applicant requests that

the USPTO rule that the application was filed complete, and that Applicant be given the actual filing date of June 24, 2003.

A check in the amount of \$130.00 in payment of the petition fee as set forth in 37 CFR §1.17(h) is enclosed herewith. Because no omission existed, however, Applicant also respectfully requests refund of the petition fee. Any additional fee may be charged or any overpayment credited to our Deposit Account No. 16-0605.

Respectfully submitted,



Raymond O. Linker, Jr.  
Registration No. 26,419

**Customer No. 00826**

**ALSTON & BIRD LLP**

Bank of America Plaza

101 South Tryon Street, Suite 4000

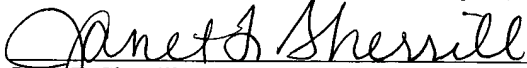
Charlotte, NC 28280-4000

Tel Charlotte Office (704) 444-1000

Fax Charlotte Office (704) 444-1111

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 20, 2004

  
Janet F. Sherrill

Alston &amp; Bird



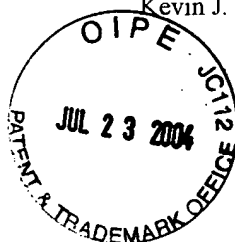
UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 1 9 2004

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

Received By

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/602,586	06/24/2003	Kevin J. Kwitkowski	038712/264882

 00826  
 ALSTON & BIRD LLP  
 BANK OF AMERICA PLAZA  
 101 SOUTH TRYON STREET, SUITE 4000  
 CHARLOTTE, NC 28280-4000


CONFIRMATION NO. 1642

FORMALITIES LETTER



\*OC000000013259218\*

Date Mailed: 07/16/2004

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 8-9 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.


In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
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P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

<b>UTILITY JUL 23 2004</b> <b>PATENT APPLICATION</b> <b>TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No. 038712/264882
	First Inventor Kwitkowski et al.
	Title FABRIC SOFTENER DRYER SHEET SUBSTRATE
	Express Mail Label No. EV231894012US

ADDRESS TO: MAIL STOP PATENT APPLICATION  
 COMMISSIONER FOR PATENTS  
 P.O. BOX 1450  
 ALEXANDRIA, VA 22313-1450

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Kevin J. Kwitkowski  
 Gilbert W. Brown

Assignee of this invention is Reemay, Inc.

1. ☒ The Filing Fee has been calculated as shown below:  
 2. ☐ Applicant claims Small Entity Status. See 37 CFR 1.27.

		Small Entity		Large Entity	
No. Filed	No. Extra	Rate	Fee 0	Rate	Fee 1
BASIC FEE			\$ 0		\$ 750
TOTAL CLAIMS:	12 - 20 = 0	X 9 =	\$ 0	x 18 =	\$ 0
INDEP CLAIMS:	3 - 3 = 0	X 42 =	\$ 0	x 84 =	\$ 0
[ <input type="checkbox"/> ] MULTIPLE DEPENDENT CLAIMS PRESENTED			+140 = \$		+280 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.		TOTAL	\$	TOTAL	\$ 750

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).  
 b. ☒ Fees required under 37 CFR 1.17 (National application processing fees) including any extension of time fees under 37 CFR § 1.136(a) that are required for consideration of papers filed during prosecution.
- ☒ A check in the amount of \$ 750.00 for the filing fee is enclosed.
- ☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
3. ☒ Specification; Total Pages 10
4. ☒ 1 Sheets of Drawing(s) (35 USC 113)
5. ☒ Declaration and Power of Attorney; [Total Pages 3]  
 a. ☒ Newly executed (original or copy)  
 b. ☐ Copy from a prior application (37 CFR 1.63(d))  
     (for continuation/divisional with Box 18 completed)  
     i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Copy (CRF)
  - b. ☐ Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)
  - c. ☐ Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper (\_\_\_ Pages)
  - d. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☒ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
10. ☐ 37 CFR 3.73(b) Statement (*when there is an assignee*); ☐ Power of Attorney
11. ☐ English Translation Document (*if applicable*)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449; 17 Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)  
☐ Foreign Priority is claimed as Application No. \_\_\_\_\_, filed \_\_\_\_\_
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant **must** attach form PTO/SB35 or its equivalent.
17. ☐ Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.
18. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:**  
☐ Continuation ☐ Divisional ☐ Continuation in Part (CIP)

of prior Application No: \_\_\_\_; Filed

Prior Application Information: Examiner

Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. **CORRESPONDENCE ADDRESS** CUSTOMER NUMBER 00826

Signature: \_\_\_\_\_

Attorney/Agent of Record: Raymond O. Linker, Jr.

Attorney/Agent Registration No. 26,419

**Alston & Bird LLP**

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"Express Mail" mailing label number EV231894012US

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Date of Deposit June 24, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Janet F. Sherrill  
Janet F. Sherrill



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date Mailed: June 24, 2003  
Atty. Dkt. No. 038712/264882

Kindly acknowledge receipt of the accompanying UTILITY PATENT  
APPLICATION with Application Transmittal Cover Sheet for:

Inventor(s): Kwitkowski et al.

Title of Invention: FABRIC SOFTENER DRYER SHEET SUBSTRATE

Pages of Spec. (including claims and abstract) 10; No. of Claims 12

No. of Drawing Sheets 1; Declaration Enclosed YES (3 pages); IDS with

PTO 1449 Enclosed YES; (No. of 1449 Cites Enclosed 17); Assignment

with Cover Sheet and \$40.00 Fee Enclosed YES

Other Documents:

Check(s) Enclosed \$750.00

Please place office stamp hereon and Return Postcard to : **ROL:jan**  
**ALSTON & BIRD LLP**

Alston & Bird

JUL 14 2003

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Alston & Bird LLP  
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Charlotte, NC 28280-4000

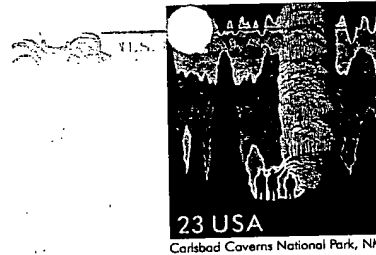
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06/24/03

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